CURTAILS POWER OF STATE R. R. BOARDS

Little Jurisdiction or Authority

IF SUSTAINED BY COURTS

The Most Important and Far Reaching Decision Handed Down by the Interstate Commission

WASHINGTON, March 24 .- A decision just handed down by the Interstate Commorce Commission constitutes the longest step ever taken by that Federal body in the direction of curtailing the powers of State railroad commissions. This decision if sustained will, it is contended, lead to the elimination of State railroad commissions or leave them with comparaively little jurisdiction or authority.

The decision is one of the most important and far reaching in its possible effects that the commission has ever handed down.

"If the power here asserted exists in this commission then every State rate can be controlled by it," says Commissioner Clements, in a dissenting opinion.

The decision is in a case brought by the Railroad Commission of Louisiana. The St. Louis Southwestern Railway Company and other carriers are named as defendants, but the real defendant in the case is the Railway Commission of Texas,

"The commission says it is suggested that the exercise of power to end discrimination between rates within a State and rates to interstate points must surely lead to a conflict in which the jurisdiction of one sovereignty or the other must give way."

"To this suggestion," says the Commission, "the one and sufficient answer is that when conditions arise which in the full fillment of its obligation and the due exercise of its granted power to regulate commerce among the State makes such the case is the Railway Commission of Texas,

The railroads which are defendants.

rate case now pending before that court. The present case resulted in a sharp division in the commission. Four Commissioners joined in setting aside the rates of the Texas Railroad Commission, three dissented from this action. The Commissioners who united in the majority opinion are Chairman Prouty and Commissioners Lane, Meyer and Clark. The dissenting members of the commission are Judson C. Clements. James F. Harlan and Charles C. McChord. The opinions reflect the difference of views in the commission more sharply than any documents that have come from

that body in a long time. The complaint in the case was that the railroads make rates out of Dallas and other Texas points into eastern Texas much lower than rates from Shreveport. La. into Texas. As an instance, it is stated that a rate of 60 cents carries first class traffic to the eastward from Dallas a distance of 160 miles, while the same rate of 60 cents will carry the same class of traffic but fifty-five miles into Texas from Shreveport.

The complaint asked the commission for reasonable adjustment of rates, ending the alleged unjust discrimination practised by these interstate railroads in favor of Texas State traffic and against similar traffic between Louisiana and

The decision of the commission, which vas written by Commissioner Lane, says that the evidence supports the theory of he Louisiana commission that the Texas ommission is acting in favor of the jobing interests of Texas.

There appears to be little question as the policy of the Texas commission." protection to its own industries and communities. We find in the early reports of that commission, which are quoted at length in the record, evidences that the Texas commission believed that the interstate carriers operating from the North and the East into Texas were pursuing a policy hostile to the development of that State. The Texas commission was conscious that it was within the power of the state of these interstate carriers to so adjust rates as to make Texas entirely or largely dependent upon other States and thus restrict the growth of her cities and fix the nature of her industries, the employments of her people and the character of her civilization so far as these depend on conomic and industrial conditions. With this thought in mind the Texas commission sought to establish a Texas policy and to make the railroads within the State contribute in the manner believed by her own people to best subserve their own interests.

The decision, after reviewing the adustment of rates by the Texas commission, says that the effective exercise of the Interstate Commerce Commission's power regarding interstate commerce makes necessary the assertion of the supreme authority of the national Government and that the Congress has appropriately exercised this power in the provisions of the act to regulate commerce touching discrimination."

The theory of our Constitution is that a State may not live unto itself alone. either politically or commercially," says

the commission. The commission finds that as carriers of interstate commerce "the defendants under the act may not give any undue or Unreasonable preference or advantage to any locality or any particular description

"If one State." the majority decision says, "may exercise its power of fixing rates so as to prefer its own communities, all States may do so. There would thus arise a commercial condition more absurd and unbearable than that which obtained prior to the Constitution, when tained prior to the Constitution, when th State sought to devise methods which its commerce could be localized. utterly incongruous the result if he allowed to make rates within that state which would so confine the com-merce of its communities as to exclude on equal terms that of Buffalo or of Pittsing and what national system of regu-tion could there be if interstate commerce could be discriminated against after such fashion? Manifestly Congress has dealt with the railroads of the counervants of a national commerce accordingly laid down the rule play to which they must conform."
defence of the railroads in this
as mainly that they were comby the Railroad Commission of the discrimination com-

interstate carrier must respect law it must respect that in so far ere us are carriers which undeat all they have done was to obey

appreciate the comfort of holding our Guaranteed First Mortgage Certificates. There is no possibility of a loss and the interest return is higher than from Leaves Them With Comparatively any other investment that is equally Emergency Message From Gov.

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ana, after years of endurance, makes complaint to this body these carriers make no showing of the reasonableness of their rates other than that heretofore dealt with—a traffic adjustment equalizing gateways—and even in this defence all the carriers do not join. The class rates of the Texas commission within the distances here involved are not too low. This the carriers themselves do not urge. Yet they have maintained higher rates from Shreveport, the interstate point."

The commission says it is suggested.

to effect this control is for the Commission, either upon complaint made or in a proceeding instituted by it, to fix the maximum rates from a point outside the State for interstate transportation to a point in the given State on the line of an interstate carrier subject to the act, and then fix what it may determine to be the just relation of rates between that particular point of destination and all other points on the same line."

Commissioner McChord in his dissenting opinion says the commission "should confine itself within the four corners of the law of its creation, usurping neither

confine itself within the four corners of
the law of its creation, usurping neither
the legislative function of the Congress
nor the judicial power of the courts."
In addition, the decision of the commission requires the carriers to maintain
similar practices respecting the concentration of interstate cotton at Shreveport,
La., to those which are contemporaneously
observed by the carriers respecting the
concentration of cotton within the State
of Texas, provided the practices adopted
shall be justifiable under the act to regulate commerce and applicable fairly under
like conditions elsewhere on the lines of
the carriers.

the carriers.

The Railroad Commission of Texas, while invited to be heard, was not represented at the hearings. The Texas commission will promptly take the case to the Commerce Court.

BORDER WATCHED FOR GEMS.

eapolis Seizure Part of Campaign to Capture Smugglers.

WASHINGTON, March 24.-The seizure jewelry at Minneapolis by Special Agent Foulkes and Deputy Collector of Customs Cooley is in line with a crusade that has been in progress for several months to prevent smugglers from passing gems across the border from Canada.

The officials of the Treasury Department have been aware for some time that jewelry smugglers have been busy on the border and special agents have Gov. Hughes] awarded the contract to the says the decision. "It is frankly one of been assigned to investigate the extent of the operations.

John E. Wilkie. supervising agent of the of that commission, which are quoted at Treasury Department, does not believe

tion.

Some months ago the Treasury officials learned that smugglers were using Canada as a base to get jewelry into Northwestern States. It is believed American jewelry firms in the Western States have been trying to bring valuable stones into this country without paying duty. The plan of the Department was to round up all the persons involved in the alleged smuggling plot within the next few weeks. It is likely that some of the smugglers may escape for the present, but the Treasury officials are hopeful that they eventually will be captured.

STUDENT BURGLARS HELD.

Jacobs and Gibbons, Medical College Youths, to be Examine d To-day.

Oscar M. Jacobs, the junior of the New Homocopathic Medical College, who informed the police, after gashing one of them over the head with a six inch jimmy, that he practised burglary during his leisure hours and would never have been caught except by mere accident, was held yesterday by Magistrate Naumer in

been caught except by mere accident, was held yesterday by Magistrate Naumer in the Gates avenue court in Brooklyn without bail for examination ot-day on charges of felonious assault and carrying burglar's tools. His friend, Pierre C. Gibbons, a junior in the Long island College Hospital, was also held.

The charges against Gibbons are based on the fact that he was with Jacobs when Dennis J. O'Nell, a detective who sought to arrest them in an apartment hause at 409 Washington avenue, was assaulted, Gibbons made his escape, it is alleged, while O'Nell was hanging on to Jacobs, but was arrested later at the home of his parents, 124 Sterling place, Gibbons, as tirst denied participating in the fight or in any burglaries, but the police say that he admitted working with Jacobs after the latter had taunted him with invitations to "be a man."

With a big white bandage around his head, O'Nell was on hand yesterday to pin Jacobs's arms to his sides in the first grapple, h and held on for life, with Jacobs striking furiously but ineffectively because his arms didn't have much play. He described the scene:

"Stop it on't I'll shoot," I told him, and the said, "shoot and be danned, that's what I want you to do. He had the nerve to the proposed new prison contract was conceived and signed, also issued a report recording its objections to the proposed new prison date to the foundation levels.

The inadequate drainage.

The inadequate drainage.

A questionable water supply with considerable uncertainty as to its development unless at a very high cost.

Comparative inaccessibility with incidental high rates for transportation: and The heavy cost of a completed plant entitle the police say that for a moment he almost lost consciousness, but had managed to prison structures shall be abandoned and the contract for pin Jacobs's arms to his sides in the first grapple, hand held on for life, with Jacobs striking furiously but ineffectively because his arms didn't have much play.

He described the scene:

"Stop it on' I'll shoot," I

INVESTORS WHO WORRY FATE OF WINGDALE

Dix Expected This

TO ABROGATE CONTRACT

Senate Reported to Be Willing, but Speaker Merritt Has a Say in the Assembly.

In this final week of the legislative session at Albany there is to be an effort to carry out the recommendations of of Thursday that the Wingdale prison project be abandoned and the contracts o build the prison be cancelled. The bill to carry out the Governor's recommendations will be introduced in the Senate to-night by either Senator Muraugh or Senator Roosevelt. Senator Roosevelt represents the Dutchess district where Wingdale is, and he will in all probability introduce the bill. The Commission on New Prisons ap-

pointed by Gov. Hughes recommended the building of this new prison at Wingdale, although the late Samuel J. Barrows. a member of the commission, recorded his protest. The Wingdale prison project has been opposed for many months company and other carriers are named as defendants, but the real defendant in the case is the Railway Commission of Texas, inasmuch as the rates against which complaints were made and which have now been set aside by the Interstate Commerce Commission were fixed by it.

This case puts the entire question of a conflict of jurisdiction between the Interstate Commerce Commission and the State commission and the State commission squarely up to the United States Commerce Court. Eventually the decision will bring the question before the United States Supreme Court in a more comprehensive manner than is presented by the well known Minnesota rate case now pending before that court. by Gov. Dix and his opposition has been

To build a four million dollar prison on the edge of a swamp, with inadequate drainage, a very questionable water supply and at a location wanting in economical trans-portation facilities, would be bad enough under any circumstances. To do so in deliberate defiance of the uncontroverted re-port of a body of disinterested officials appointed under legislative sanction and in face of the assurance of the Superintendent of Prisons that no such prison facilities are now demanded, would be a manifest out-rage upon the rights of the taxpayers, who are already in just rebellion against the in-creasingly heavy burdens which are being

mposed upon them The first official opposition to building a new prison at Wingdale came when Gov. Dix's special commissioners, Messra. Osborn, Van Kennen and MacMahon, in an exhaustive report to the Governor

On March 12, 1910, the farms comprising he Wingdale site were put under option to Ralph Diehl, a son-in-law of Assembly-man John R. Yale, and to Robert C. Hurd. The records do not show that these gentlehad had previous transactions Dutchess county real estate. The option Dutchess county real estate. The option price was about \$34,000 and the State paid these parties about \$60,000. Plans had been prepared for a prison at Bear Mountain to contain about 1,500 inmates at an estimated cost of between \$2,500,000 and \$3,000,000 and were altered to suit the new site (at Wingdale). Against the selection of these plans the late Samuel J. Barrows, a member of the Commission on New Prisons and a distinguished penologist, recorded his protest in part as follows: With all due respect to the judgment of my fellow commissioners, I must frankly declare that the award of the first prize has not been determined by consideration of relative merit

In the very last days of December (1910) the Carlin Construction Company at \$2,196,000. The figure was \$498,000 below that of the next tion of the successful bid shows that it was indoubtedly a low bid and advantageous to the State if it could be carried out by the contractors without a breakdown and in accordance with the specifications. The bonding companies to whom application was made for a bond declined the bond or the ground that the contractors could not successfully explain the reason for obvious inference that they did not con-sider that the contract could be successfully carried out at the figures named

Included in the specifications to build the new prison at Wingdale was one call-ing for Potsdam stone and Speaker Ed-ward Merritt has openly avowed that this ward Merritt has openly avowed that this Potsdam stone sub-contract represented his special interest and that if the contract is cancelled he will lose \$30,000 because of the preparations he had made to carry out his stone contract and prospective profits on the contract of \$25,000, or a total loss of \$55,000. The Speaker was to sell \$150,000 worth of his stone for the prison. He has said recently that Gov. prison. He has said recently that Gov. Dix and the Governor's friends are trying to abrogate this Wingdale Prison contract, or rather the building of the Wingdale Prison, in order to save the Tammany contractors the several hundred thousand dollars they would lose if they carried out their contract.

out their contract. out their contract.

Gov. Dix's commission on new prisons, headed by Joseph F. Scott, who succeeded Cornelius V. Collins as Superintendent of Prisons, in whose reign the

Shoulds stelling furiously out ineffectively because bits arms didn't have much play. He described the scene; "story in or I'll shoot, I told him, and he said, "shoot and be danmed, that's what I want you to do. He had the nerve to tell me what I want you to do. He had the nerve to tell me what I want you to do. He had the nerve to tell me what I want you to do. He had the nerve to tell me what I want you to do. He had the nerve to tell me what I want you to do. He had the nerve to tell me what I want you to do. He had a gun or dibbons had stood by me, he remarked with a grin, "we'd have cooked your goose and made a clean sctaway. You merely stumbled across us by accident, answay."

An Episcopal Correspondence School.

The Speaker and hese of the state in the Assembly, of the courses will be three in number to begin with, and it is expected they will state to make the school's center the General Theological Seminary in this city. The course will be three in number to begin with, and it is expected they will state the school's center the General Theological Seminary in the course of will be three in number to begin with, and it is expected they will state the school's center the General Theological Seminary in the course of the course will be three in number to begin the development of the course will be three in number to begin the development of the course of the state of the falth these men whom will represent the state of the falth these men whom will represent the state of the falth these men whom will represent the speed by the Senate. The problem was over its fate in the Assembly of the state of the falth these men whom will represent the speed by the Senate and the service of the falth these men whom will represent the speed by the Senate and the service of the falth these men whom will represent the speed by the Senate and the service of the falth these

HANGED HIMSELF AT SEA.

Vaudeville Performer's Dog Knew We li That His Master Was Dead.

Charles Sterling, a vaudeville performer who did an acrobatic stunt with a white dog that he cailed Kiss, boarded the Cunarder Campania at Liverpool on Saturday, March 16, to come to this city. He seemed a bit distraught. His wife, who is an actress, came aboard the liner and gave him a tearful good-by, warning the dog to take good care of him. On Tuesday Sterling showed symptoms of insanity. Kiss had been turned over to Mercer, the ship's butcher, as it is against the rule of the line to let passengers keep dogs in their cabine. But Sterling came to the butcher every day and spent several

to the butcher every day and spent several hours talking with the dog and sHapping sentiments with the butcher.

Dr. Robert Bruce, the ship's surgeon, decided on Tuesday that it would be necessary to keep Sterling under restraint, and he was put in the hospital. A steward kept watch on him constantly. On Saturday morning Sterling went to a room adjoining the hospital. He stayed there so long that the steward thought that something might have happened to him and went to the door and tried to open it. He could not budge the door, and thought for a moment that Sterling, who was big and strong, was holding it. The steward called to the acrobat and he did not answer. The steward then got help and the door was forced open. The body of the acrobat was hanging against the door. He had used his suspenders to strangle himself as he dangled from a beam.

The hody was still warm and Dr. Bruce.

The body was still warm and Dr. Bruce, The body was still warm and Dr. Bruce, assisted by several stewards, made strenuous efforts to revive the acrobat. They did not give up hope until they had worked over the body an hour. They found that Sterling had destroyed every bit of paper that might throw light on the cause of his suicide. Fragments of letters were found on the floor of the room. The essential parts had been thrown into the sea.

essential parts had been thrown into the sea.

The acrobat's body was buried at 4 o'clock in the afternoon, the engines being slowed down as usual. The butcher brought the dog Kiss up on deck to see the last of his master. The dog showed that he knew what was in the weighted canvas that slid from a grating into the ocean. He howled and strained at his leash, and the butcher says that he doubtless would have jumped overboard after the acrobat if he had been let loose.

Kies is still in care of the butcher, who says he is a cross between a sheep dog and an Irish terrier, and an intelligent and faithful creature.

A few hours before the acrobat was buried, the body of Alfred Buckley, who was returning to this country with his sister in the second cabin, was slid over the side. He died of pneumonia. He was 23 years of age. His sister notified the family by wireless and relatives met her at the pier.

CAN'T FIND CHICAGO PLOTTERS.

Police Discount Cable News of Con spiracy to Kill Emmanuel. CHICAGO, Ill., March 24 .- If the re-

ported plot to assassinate King Victor Emmanuel of Italy was hatched in Chicago the local police have no knowledge of it according to a statement made by Assistant Chief Scheuttler to-night. Chief Scheuttler has had charge of the suppression of anarchy in Chicago since the Haymarket riots in 1887, and following the assassination of President McKinley he rounded up a score of the leading anarchists in the United States, including Emma Goldman, and kept them in custody in Chicago until the assassin of the President was executed. "We heard of that report several days ago through a cablegram to a local eve-ning paper," said Chief Scheuttler, "and I sent out a couple of men to locate the ristofaro brothers, but they are unknown here so far as we can lear any Italian anarchists had met and had chosen by lot a man to kill king Emmanuel I feel quite sure we would have been able to learn some-thing of it. We have had no official communication from the Italian Consul in connection with the matter."

Count Luigi Frovana, Italian Consul at Chicago, said that the Mattino report

no report to my home Government on which the report could be based. In fact, I know nothing about the mat-ter. The names of the Cristofaro brothers do not appear on the official lists which we have on file."

The story of the supposed anarchist plot in Chicago, cabled from London, was printed in The Sun yesterday morning. It had been received in London by mail, the Italian censor having ian and Rumanian bricklayers in Chicago had conspired to assassinate the Italian King and that two brothers named Cristofaro were chosen to com-

LOST IN JAMAICA BAY?

Fisherman Supposed to Have Been B.

Langfritz Probably Drowned. A man, who from a memorandum book found in his pocket is supposed to have been B. Langfritz of 928 Second avenue, an employee of the Independent Ice Coming in Jamaica Bay at 10:30 o'clock

pany, hired a boat and started out fishing in Jamaica Bay at 10:30 o'clock yesterday morning. After the severe rainstorm which passed over the bay in the afternoon searchers found the boat upturned in an inlet known as Hasset's creek, a mile and a half from Broad Channel, where the boat was rented. Men were still at work last night grappling for the body.

Langfritz had made it a practice for a year or more to get a boat from Christian Hoobs's hotel at Broad Channel every Sunday when the weather was not too bad to go fishing. Yesterday morning he left his coat and hat at the hotel and donned a rubber outfit, boots, hat and coat, before starting. At 2:30 o'clock, when the storm had abated and Langfritz had not returned, Hoobs and some of his men went out to look for him. They came upon the upturned boat, returned for grappling hooks and worked for some time without success The police took up the task later in the afternoon and continued it through the night.

The memorandum book in the coat left behind at the hotel also had the name of W. Langfritz, a brother, of 23 Second street, New Brighton, Staten Island, to be notified in case of accident.

TEMPLE CORNERSTONE LAID. Jewish Ceremonies in Yonkers With Mr Untermyer as Speaker.

YONKERS, N. Y., March 24 .- The cornerstone of the Temple Emanuel of the of five years, at a salary of \$6,000, to suc-Congregation Staff of Aaron was laid ceed Dennis McCarthy of Syracuse, whose for this afternoon. It rained so hard that it was done symbolically within the shelter

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LEGISLATURE ENTERS UPON ITS LAST WEEK

Governor and Members Expect Session Will End Next Friday.

FEW BIG BILLS WILL PASS

Albany Wonders What Dix Will Do Toward Filling Offices Soon to Be Vacant.

ALBANY, March 24.—The State Legislature enters upon the last week of its labors to-morrow night, the date for final adjournment being fixed for next Friday afternoon. Neither Gov. Dix nor the members of the Legislature have any other expectation but that the Legislature will quit the labors of the presen regular session and end the session then, as determined upon a month ago by the joint resolution of the Senate and As-

Because of the fact that the Assembly is Republican the Democratic Governor and the Democratic Senate had little hope of accomplishing any constructive legislation this year, and they have not been disappointed. So few of the recommendations made by Gov. Dix in his annual message to the Legislature in January have met the favor of the Legislature that it can be said that nothing has been accomplished in that direction. In fact, aside from the passage of the appropriation bills needed for the maintenance of the State Government and the passage of scores of local bills nothing has been accomplished by the

Legislature. be legislation upon the Adirondack storage and electrical power question and the proposition to amend the Constitu tion so that a proper employer's liability law may be passed. These perhaps are the two biggest questions upon which there is a likelihood of legislation.

There is much speculation regarding the action which Gov. Dix will take this week toward making appointments to HOUSE CAUCUS TO DECIDE State offices where the terms of the ir cumbents expire in the coming year and whose successors must be confirmed by the present Democratic Senate if these appointments are to be effective, because it is expected that after January 1 the

it is expected that after January 1 the Senate will be Republican.

John A. Mason, secretary to Gov. Dix, is away from Albany over Sunday conferring with Charles F. Murphy, the leader of the Democratic State organization, regarding these appointments and questions pending in the Legislature, and the outcome will not be known until he returns to Albany to-morrow with the final word from Mr. Murphy to Gov. Dix. The Governor can make the following appointments, which must be confirmed by the State Senate: by the State Senate: Two Public Service Commissioners,

succeed William McCarroll of Brooklyn and John B. Olmsted of Buffalo terms expired on February 1 and whose successors can be appointed for five years A member of the State Board of Claims for a term of six years, at a salary of \$5,000, to succeed James C. McDonald of Schnectady, whose term expires on De A member of the State Conservation

Commission for a term of six years, at a salary of \$10,000, to succeed John D. Moore of Manhattan, a Tammanyite, whose term expires on December 1 next. B. Ware of New York city, at a salary with the Republicans on this proposition, of \$5,000. A State Fiscal Supervisor for a term

of five years, at a salary of \$6,000, to sucterm expires on Jun-A Commander of the National Guard,

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Any general legislation of importance which is to be credited to this session must be enacted this week. There may DEMOCRATIC LEADERS

Two Battleship Movement May **Boost Appropriations** \$40,000,000.

Former Vote to Kill Public Buildings Provision for Economy Also in Peril.

WASHINGTON. March 24.-Democratic House leaders are worried over the situaation that has developed in connection with the movement to incorporate an authorization in the naval bill for two battleships. The subject will be considered at a caucus to be held probably to-morrow night. Upon the outcome depends whether appropriations charge-able to the Democrats shall be increased

approximately \$40,000,000. There is a good deal of sentiment in the House favorable to a provision authorizing two battleships and the leaders are disposed to recognize it. However, it is generally conceded that if the resolution adopted in caucus some weeks ago declaring against any additions to battleship fleet at this time is recalled the leaders must consent to the passage

of an omnibus public building bill. It has been developed that the House Naval Committee is ready to vote for two A State Architect, to succeed Franklin battleships. Four Democrats have joined with the result that the committee stands

ommittee status the committee status at the caucus stand pat two of the Democratic committee will recede from their present position, thus defeating the Administration battleship programme.

The danger in this programme lies in its association with public buildings. The caucus at which the resolution was adopted declaring against battleships adopted declaring against battleships was called for the purpose of considering the advisability of passing an omnibus public building bill. It was plain from the outset that an overwhelming majority was opposed to appropriations for public buildings at this session on the ground of economy.

buildings at this session on the ground of economy.

A resolution was about to be passed instructing the Public Buildings Committee to pigeonhole the bill in course of preparation, when a member suggested that more millions could be saved by directing the Naval Committee not to make provision for battleships. An amendment to this effect was incorporated in the resolution, which was passed. Since then a quiet canvass has been made to ascertain the sentiment of the House as to battleships. It has been learned that virtually all the Republicans and a good many Democrats believe a mistake will be made if the House fails to provide for battleships this year.

TRUST GOOD, IF VAGUE.

Surrogate's Ruling on a Charitable Bequest Under the Present Law.

Surrogate Fowler announced on Saturday his decision in a suit of the executors of the will of Daniel Cunningham to determine whether a bequest of \$50,000 left to his executors to be applied for such charitable uses as they might select was invalid for indefiniteness. The executors are the Rev. Father Louis J. Sloane of Sea Cliff, L. I., and Daniel F. Mahoney. The estate exceeded \$500,000. The bequest is held to

be valid. The Surrogate said that one certain purpose of the testator is to deprive his heirs of \$50,000 and give it for charitable purposes.

"It would be a great pity to frustrate an intention so obvious," said the Surrogate. "Under the present law there is o difficulty in enforcing this trust, for if the trustees fail to name the charities to receive the bequest, the court will re-solve a scheme." A bequest for a pubsolve a scheme." A bequest for a pub-lic charity in this State need never fail again under the present laws, the Sur-

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